

**Town of Kinderhook
Planning Board Meeting
3211 Church Street
Valatie, NY 12184
October 17, 2013**

Approved

MINUTES

The Meeting of the Town of Kinderhook Planning Board was held on Thursday, October 17, 2013 beginning at 7:02pm at the Kinderhook Town Hall, 3211 Church Street, Valatie, NY. The meeting was called to order by the Chairwoman, Mary Keegan-Cavagnaro. The Roll was taken by the Secretary.

A. Roll Call

Present:

Mary Keegan-Cavagnaro, Chairwoman
Andy Howard, Town Attorney
Patrick Prendergast, Engineer
Guy Rivenburgh
Jake Samascott
Dale Berlin
Chris Simonsen
William Butcher
Cheryl Gilbert
Nataly Dee, Secretary

Excused:

Daniel Weiller
Peter Haemmerlein

Absent:

B. Correspondence

1. Review of Minutes:

July 11, 2013 – Workshop
July 18, 2013 – Meeting
August 8, 2013 – Workshop
August 15, 2013 – Meeting
September, 12 – Workshop
September, 19 – Meeting

A motion to approve the above listed minutes as amended was made by Mr. Simonsen. Motion seconded by Mr. Rivenburgh. All in favor; motion carried. Minutes approved as amended.

C. Public Hearings

1. Expert Interiors and Exteriors, Inc: Site Plan Review for Change of Use – 3340 US Route 9

The notice as it appeared in the newspaper was read by the Secretary (on file).

A motion to open the Public Hearing was made by Mr. Berlin. Motion seconded by Mr. Simonsen. All in favor. Motion carried; hearing opened.

Mr. VanAlstyne, Land Surveyor, representing the applicant addressed to Board and distributed plans of the project. Mr. VanAlstyne indicated that the only changes to the plans are that the Department of Transportation requested that the scale of the location map to meet their standards. Plans were altered to reflect 1” to 2,000” scale. Mr. Gabe Griffin representing Expert was also in attendance. A copy of the LaGuesse deed detailing the reciprocal easement was submitted for the file as requested by the Board. The document was reviewed by Mr. Howard. A letter from Mr. Visconti of DOT was also submitted. Mr. VanAlstyne reviewed the plans for the Board. He briefly reviewed the recent history of use of the property noting that no changes have been made to the lot grading or coverage. He indicated to additional landscaping in the form of trees to be planted to provide screening. He also indicated existing lighting that would be down-drafted or hood that lighting. Additionally, he indicated that a note was added to the plan regarding no outside storage at the facility.

Ms. Keegan-Cavagnaro invited the public in attendance to address the Board in either favor or opposition of the proposed project. Ms. Sylvia Welch, a neighbor of the property addressed the Board. She inquired about the intended use of the building. In response, Mr. Griffin stated that

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the facility would be used for the storage of materials, supplies, and tools, as well as parking for employee vehicles. There will also be some offices spaces inside the building. He added that there would be no retail sales taking place. Ms. Welch was concerned about the impact to the value of her property. Mr. Prendergast added that the property is being leased not sold to the applicant. Ms. Welch sought confirmation that no one anticipates that the change of use would alter anything for the neighbors.

Mr. Robert Cramer addressed the Board. He concern is in regard to the parking of the trailers. He noted that he did appear before the Zoning Board of Appeals regarding the location of the trailers on the Van Allens property across the road. Mr. Cramer's application stands before the ZBA for further deliberation. However, the trailers have been moved subsequent of his application. Mr. Cramer is still concerned about the location of the trailers. He feels that the trailers are parked closer to the road than signs are allowed to be located by the Code. Mr. Cramer cited section 250-53(a) 1 of the Code regarding the location of signs. If the project is approved he would request a stipulation that the trailers be parked away from the road. He feels that they should be parked further from the road at the side or the rear of the property. If the Board approves the project, he would request that there be a stipulation in the approval to the effect that the trailers be parked further from the road.

As there was no other public in attendance to comment on the application, Mr. Berlin made a motion to close the Public Hearing. Motion seconded by Mr. Butcher. All in favor; motion carried. Hearing closed.

A letter from County Planning was received stating that it was a local municipal matter with the only recommendation being that a referral be made to DOT.

The floor was open to the Board for discussion. Mr. Simonsen agreed with Mr. Cramer's concerns about the trailers regarding their sign like nature. Ms. Gilbert also agreed. She felt they should be placed further away from the road.

Mr. Griffin addressed the Board and stated that Expert is amenable to moving the trailers if they can have a permanent sign. They will apply with the Building Department to install a permanent sign in the location of the existing sing on the property. Further, he stated that it is not their intent to tarnish the town in any way; they are trying to maintain property values by repairing damage. There will be no storage of materials or waste in the yard of the property. There will be employee vehicles parked at the property, but they will park the vehicles where ever the Board agrees to.

Mr. Howard asked the Board to be clear in their approval about where they want the trailers parked. A trailer parking area could be delineated on the property. A note could be added to the plans to the effect that trailers will be parked in the designated trailer parking area. There is a gravel area beyond the two rows of parking along Route 9 and beyond the lawn and landscaped area that would be suitable for the trailers. A discussion of the specifics about the trailer parking ensued. It was suggested that the trailers be backed into the locations so that they would be perpendicular to the road.

A discussion of landscaping and screening pursuant to section 250-33 (e) of the Code followed. The discussion centered on the type of vegetation that would be required. There was a debate over whether white pines or shrubbery consistent with existing plantings would be desirable and most appropriate. It was decided based on a number of factors that shrubbery consistent with what already exists would be required of the applicant.

A motion that the application is substantially complete with noted stipulations was made by Mr. Berlin. Motion seconded by Mr. Rivenburgh. All in favor; motion carried.

Part II of the EAF (Short Form Environmental Assessment) was reviewed by the Attorney. Proposed answers to the questions listed below were all negative.

A. DOES ACTION EXCEED ANY TYPE 1 THRESHOLD IN 6 NYCRR, PART 617.4?
Proposed answer is no.

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B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.4?

Proposed answer is no.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?

Proposed answer is no.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?

Proposed answer is no.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?

Proposed answer is no.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?

Proposed answer is no.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?

Proposed answer is none.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?

Proposed answer is none.

C7. Other impacts (including changes in use of either quantity or type of energy)?

Proposed answer is none.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

Proposed answer is no.

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

Proposed answer is no.

A motion of Negative Declaration was made by Mr. Berlin. Motion seconded by Mr. Samascott. All in favor; motion carried. Declaration made.

The application is complete. Plans will be updated to reflect the changes requested.

A motion to conditionally approve the application with the conditions being that the site plan be modified to include: 1) the planting of four shrubs consistent with the existing planting; and 2) a designation in the gravel area outside the asphalt pavement, behind the plantings that are to be installed; and 3) the plans include language that there will be a trailer parking area, and that the site notes provide language that the construction trailer parking will be in the designated site on the map and that the physical orientation of the trailers will be perpendicular to the road was made by Mr. Berlin. Motion seconded by Ms. Gilbert. All in favor, none opposed. Motion carried. Application conditionally approved.

D. Old Business

1. Henry Kazer: Major Subdivision - County Route 28

Nothing new to report.

2. Dollar General: Site Plan Review – US Route 9

Mr. Tim O'Brien, representing Dollar General, addressed the Board. Revised plans were distributed for the Board's review. The 50% lot coverage threshold for B1A zoning has been met. The main driveway was narrowed and islands were added to the parking area. Buffering of the parking area was noted. Proposed signage was reviewed. A free-standing sign measuring 4'x8, 32 sq feet, maximum height of 6', is proposed and will require a variance for the additional 2sq ft. The sign will be set back 10' from the property line. \$1,000 to be placed in escrow for the

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Town Engineer was submitted. Variances will also need to be sought for the slope of the roof and for sliding glass doors.

Mr. O'Brien addressed the issue of parking located at the front of the building. He noted that there would be a 10' landscape buffer between the road and the proposed parking to meet the Code. He noted that one reason to have the hedges is to prevent headlights from shining out into the street rather than screening the actual parking lot. The landscape plan indicates a double row of hedges will be installed. The sign will have lower vegetation such as ornamental grasses. The building elevation differs from their traditional architecture. He noted the parapet up front, all the HVAC units are in the rear, windows with shutters, steel frame awnings above the windows, multi tones on the front of the window.

Mr. Simonsen asked about the actual building dimensions. The building dimensions with the façade are 70'x130'x30. The bump-out in the front is 4-5 feet into the sidewalk. The façade and wainscoting adds a couple of inches. Mr. Simonsen referenced section 250-33 (h) (4) (b) of the Code regarding building materials noting that split faced concrete block doesn't conform. He proposed brick as an alternative. He then addressed the matter of a pitched roof and building height requirements. Sections of the Code relating to window dimensions and maximum and minimum glazing area was also referenced and noted as concern.

Mr. O'Brien has referred many issues of the project to their architects for review and the issues noted tonight will also be reviewed. Upon further review additional variances may need to be considered. The number of parking spaces proposed was reviewed as well as the ingress and egress. The Department of Transportation has not yet been consulted, but there are plans to do so. Mr. O'Brien addressed the anticipated traffic density and flow, and how DOT may regard those issues, noting standards set out by ITE (International Traffic Engineers). Additionally, he stated that they are going to keep the curb cut as is and pave from the property line back.

They will submit an application to the Zoning Board of Appeals. The short form Environmental Assessment has been submitted with the Planning Board application. It was noted that the old form was used as the new forms were not yet required. Dollar General will be seeking a number of variances. Mr. O'Brien listed four possible variances needed: 1) regarding parking, Section 250-21 (a)(1); 2) regarding buffering at the front, Section 250-33 (e)(2); 3) building design regarding a flat roof, Section 250-33 (h); 4) building design regarding sliding glass doors. Mr. O'Brien also mentioned needing an additional 2 sq feet for the sign.

A discussion of some of the site constraints ensued. Because of site constraints the parking has been placed in the front and side with 10' berm. The septic has been placed in the rear of the property due to the location of adjoining wells in the front. The location of the off-site wells placed a constraint on the way the site could be laid out and developed. The orientation of the building and location of the driveway has also been constrained. Mr. Prendergast thought that a variance for the number of parking spaces may not be needed and that the Planning Board may be able to waive or adjust the number required. Mr. Howard thought that a variance may not be needed for the parking configuration because the front parking meets the other requirements set by the Code in that it has buffering from the road. Mr. Samascott agreed and added that he thought the Code should be amended to make that permanent so that buildings are not placed along the road.

A motion to refer the project to the Zoning Board of Appeals based on the above reasons was made by Mr. Rivenburgh. Motion seconded by Mr. Samascott. All in favor; motion carried.

E. New Business

None

F. ZBA Opinions

None

G. Liaisons

1. Village Planning Boards: Nothing to report.

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2. Town Board: Nothing new to report.
3. Comprehensive Plan Review Committee: Nothing new to report.
4. NYSEG Project: Nothing new to report.

H. Other

1. Public Comment

A motion to adjourn was made by Ms. Gilbert. Motion seconded by Mr. Berlin. All in favor; motion carried. Meeting adjourned at 8:58pm.

Respectfully submitted,

Nataly Dee, Secretary